



# Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701

## FOR INFORMATION CONTACT:

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August 8, 2006  
FB06-034

## PUBLIC COMMENT PERIOD OPEN ON AMENDMENT 26 TO ESTABLISH A RED SNAPPER INDIVIDUAL FISHING QUOTA (IFQ) PROGRAM

NOAA Fisheries Service is seeking public comment on Amendment 26 to the Fishery Management Plan (FMP) for the Reef Fish Fishery of the Gulf of Mexico (Amendment 26). The Gulf of Mexico Fishery Management Council (Council) submitted Amendment 26 for review, approval, and implementation by the Secretary of Commerce.

The amendment, if approved, would establish an IFQ program for the Gulf of Mexico commercial red snapper fishery. The intended effect of Amendment 26 is to reduce overcapacity in the commercial red snapper fishery and to eliminate, to the extent possible, the problems associated with derby fishing, in order to assist the Council in achieving optimum yield from the fishery.

The main action in this amendment is to establish an IFQ program. The following actions determine the structure of the program.

### IFQ Program Duration:

There is no limit to the duration of the IFQ program. However, a program evaluation would occur every 5 years.

### Ownership\* Caps and Restrictions on IFQ Share Certificates:

For any single fishing year, no person shall own IFQ shares that represent a percentage of the total, which exceeds the maximum percentage, issued to a recipient at the time of the initial apportionment of IFQ shares.

*Note:* Ownership is defined as the person who actually controls transfer of the Class 1 or Class 2 license, and such person would be listed as the "qualifier" on the face of the leased/placed permit.

### Eligibility for Initial IFQ Allocation:

Initial eligibility would be restricted to persons who own a Class 1 or Class 2 license. Permanent resident aliens who currently own a Class 1 or Class 2 license would be included in the initial allocation subject to any other qualifications included in this IFQ program.

### Initial Apportionment of IFQ Shares:

Initial IFQ shares would be allocated proportionately among eligible participants based on the average annual landings associated with their current license(s). These data are available for the years 1990-2004 for some Class 1 license holders, 1998-2004 for Class 1 historical captains, and 1998-2004 for Class 2 license holders (see Action 5 in Amendment 26 for details).

### Establishment and Structure of an Appeals Process:

The Regional Administrator would review, evaluate, and render final decision on appeals. Filing of an appeal must be completed within 90 days of the effective date of the final regulations implementing the IFQ program. Hardship arguments would not be considered. Landings data from 1990 through 1992 are not subject to appeal.

Landings records appeals for 1993-2004 would be based on NOAA Fisheries Service' logbooks. If NOAA Fisheries Service' logbooks are not available; state landings records or data that were submitted on or before June 30, 2005, can be used.

A total of 3 percent of the IFQ shares would be initially set-aside to be used to resolve disputes regarding eligibility until the appeals process is finalized.

### Transfer Eligibility Requirements:

IFQ shares/allocations can be transferred only to individuals/vessels with a valid commercial reef fish permit during the first 5 years of the IFQ program and U.S. citizens and permanent resident aliens thereafter. Eligible individuals must be U.S. citizens or permanent resident aliens.

### Use it or Lose it: IFQ Shares or Allocations:

There are no minimum landing requirements (i.e., use it or lose it provision) for retaining IFQ shares.

### Adjustments in Commercial Quota:

Adjustments in the commercial quota would be allocated proportionately among recognized IFQ shareholders (e.g., those on record at the time of the adjustment) based on the percentage of the commercial quota each holds at the time of the adjustment.

For 2007 issue 51 percent of 5 million pounds (mp), which is 2.55 mp of the initial quota, or 51 percent of whatever total allowable catch (TAC) has been selected as the Preferred Alternative by the Council and submitted to the Secretary of Commerce. Any quota share balance resulting from a decision to specify a larger TAC, would be distributed after the date of publication of the final rule setting the new TAC, but no later than July 1, 2007.

### Vessel Monitoring Systems (VMS):

VMS would be required on all fishing vessels engaged in harvesting red snapper under the IFQ program. The purchase, installation, and maintenance of VMS equipment must conform to the protocol established by NOAA Fisheries Service in the *Federal Register*. The purchase, installation, and maintenance of the VMS equipment and communications costs would be paid for or arranged by the owner of the IFQ shares.

*Note:* This action may be unnecessary if VMS requirements in Amendment 18A to the Reef Fish FMP are approved by the Secretary. The Council has approved Amendment 18A to require VMS for all commercial reef fish vessels.

### Cost Recovery Plan:

All IFQ cost recovery fees shall be the responsibility of the recognized IFQ shareholder. The fee collection and submission would reside with the recognized IFQ dealer/processor. The fees would be calculated at the

time of sale of fish to the registered IFQ dealer/processor after which the recognized IFQ dealer/processor would be responsible for submitting such fees to NOAA Fisheries Service. The collected fees would be submitted by the IFQ dealer/processor to NOAA Fisheries Service quarterly. For all IFQ pounds landed and sold, the cost recovery fee (3 percent) would be based on the actual ex-vessel value of the red snapper landings.

**ADDRESSES AND DATES:**

Copies of Amendment 26, which include a supplemental environmental impact statement, a regulatory impact review, and an initial regulatory flexibility analysis, may be obtained from:

Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue, Suite 1100  
Tampa, Florida 33607  
Phone: 813-348-1630; fax: 813-348-1711  
e-mail: [gulfcouncil@gulfcouncil.org](mailto:gulfcouncil@gulfcouncil.org)  
web site: <http://www.gulfcouncil.org>

NOAA Fisheries Service has prepared a final supplemental environmental impact statement (FSEIS) for Amendment 26. The FSEIS and written copies of the NOA may be obtained from NOAA Fisheries Service at the above address. Electronic copies of the NOA may be obtained from the *Federal Register* web site at <http://www.gpoaccess.gov/fr/index.html>.

Written comments for the NOA must be received no later than 5 p.m., Eastern time, on October 1, 2006. Comments may be submitted using any of the following methods:

**Email:** 0648-AS67.NOA@noaa.gov; Include the following in the subject: 0648-AS67.NOA.

**Federal e-Rulemaking Portal:** Follow the instructions at <http://www.regulations.gov>.

**Mail:** Phil Steele, National Marine Fisheries Service, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701

**Fax:** Comments may be faxed to 727-824-5308.

A proposed rule that would implement measures outlined in Amendment 26 has been received from the Council. NOAA Fisheries Service will soon publish the proposed rule in the *Federal Register* for public review and comment.

Comments received by October 2, 2006, whether specifically directed to the amendment or the proposed rule, will be considered by NOAA Fisheries Service in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NOAA Fisheries Service in this decision. All comments received by NOAA Fisheries Service on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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Through the emerging Global Earth Observation System of Systems, NOAA is working with its federal partners and nearly 60 countries to develop a global monitoring network that is as integrated as the planet it observes.

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FB06-034

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